

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

Scarlett Simmons, individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

First Credit Services, Inc. and  
John Does 1-25,

Defendants.

Case No. 3:21-cv-00186-REP

**DEFENDANT FIRST CREDIT SERVICES, INC.'S MOTION TO DISMISS**

Defendant First Credit Services, Inc., by counsel, and pursuant to Fed. R. Civ. P. 12(b)(1) and (6), submits this Motion to Dismiss Plaintiff Scarlett Simmons' Complaint for lack of subject matter jurisdiction due to a lack of standing and for failure to state a claim upon which relief can be granted. The reasons for this Motion are set forth in the memorandum contemporaneously filed herewith.

WHEREFORE, Defendant First Credit Services, Inc. respectfully requests that the Court enter an order: (1) dismissing the Complaint with prejudice and (2) granting First Credit Services, Inc., such other and further relief as may be appropriate.

[SIGNATURE PAGE FOLLOWS]

Dated: June 4, 2021.

Respectfully submitted,

/s/ Meagan A. Mihalko

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*Counsel for Defendant First Credit Services, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of June 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will then send a notification of such filing (NEF) to the following:

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